

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

DREMA M. WEISS,

Plaintiff,

v.

CIVIL ACTION NO. 5:04-0861

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order entered July 21, 2004, and filed in this case on August 12, 2004, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and recommendation. Magistrate Judge VanDervort submitted his proposed findings and recommendation on November 19, 2004. In that Proposed Findings and Recommendation, the magistrate judge recommended that this court 1) grant the plaintiff's motion to dismiss voluntarily, 2) order this action voluntarily dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a), and 3) direct the Clerk to remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the

requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **GRANTS** the plaintiff's motion to dismiss voluntarily, **ORDERS** this action voluntarily dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a), and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is directed to forward a copy of this written opinion and order to counsel of record and to any unrepresented party.

IT IS SO ORDERED this 23rd day of June, 2005.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge